

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

**In Re
NICK KOHILAS,**

Debtor.

**Chapter 13
Case No: 17-70621**

CHAPTER 13 PLAN

1. **Plan Funding:** The future earnings of the Debtor are submitted to the supervision and control of the Trustee and the Debtor shall pay to the Trustee for a total of 60 months, payments as follows:

1) Debtor to pay \$1000.00 per month commencing March 3, 2017 through February 3, 2022.

2. **Manner of Payment:** From the payments so received, the Trustee shall make disbursements as follows:

- a. *Payment to holders of priority claims.* Full payment in deferred cash payments of all claims entitled to priority under Title 11 U.S.C. Section 507(a)(1) and (a)(8), including the Chapter 13 Trustee's commissions, any claims of the state and federal taxing authorities as an administrative expense under the plan.
- b. *Attorney fees:* Counsel for Debtor holds a signed pre-petition retainer agreement for \$6500.00 for the base legal fees associated with the chapter 13 case. Debtor paid \$3500.00 pre-petition and balance of \$3000.00 is to be paid in chapter 13 Plan, Debtor's counsel shall file an administrative proof of claim for said balance of base fees. Any and all fees and costs exceeding the retainer and for non-base services shall be paid from funds held by the Chapter 13 Trustee as an administrative expense after application to and approval by the court pursuant to Bankruptcy rule 2016.
- c. All holders of allowed secured claims shall retain the liens securing such claims and shall be paid the following pre-petition arrears over the term of this plan:

**Secured Creditor &
Property Description**

Pre-petition arrears

Estimated and Disputed
\$50,000.00 until proof of claim is
filed and reviewed.

Disputed Creditor:

**Wells Fargo Bank, NA
(aka America's Servicing Co.)**

Property Description:

4260 BROADWAY, ISLAND PARK, NY

- d. Subsequent and/or concurrently with distribution to secured creditors, dividends to unsecured creditors whose claims are dully allowed as follows: **PRO RATA**

ALL POST-PETITION PAYMENTS, INCLUDING BUT NOT LIMITED TO, MORTGAGE PAYMENTS, VEHICLE PAYMENTS, REAL ESTATE TAXES, AND INCOME TAXES, TO BE MADE OUTSIDE THE PLAN BY THE DEBTORS.

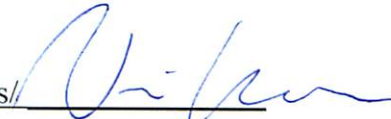
DEBTOR WILL PAY ALL POST PETITION MONTHLY MORTGAGE PAYMENTS DIRECTLY TO PONCE DE LEON BANK THE SECURED CREDITOR PER CONTRACT FOR PROPERTY LOCATED AT 42-07 161ST STREET, FLUSHING, NY IN WHICH DEBTOR HAS 1/3 OWNERSHIP INTEREST.

DEBTOR SHALL SET ASIDE IN ATTORNEY'S ESCROW MONTHLY MORTGAGE PAYMENT OF \$2163.00 FOR DISPUTED CREDITOR WELLS FARGO PERTAINING TO PROPERTY LOCATED AT 4260 BROADWAY, ISLAND PARK, NY UNTIL JUDICIAL DETERMINATION IS MADE AS TO THE IDENTITY OF THE REAL PARTY IN INTEREST AND NATURE AND EXTENT OF LIEN AND AMONT OWED.

3. All Executory Contracts are hereby assumed, unless specifically rejected as follows: NONE
4. Title to the Debtors' property shall revest in the Debtor upon completion of the plan or dismissal of the case pursuant to 11 U.S.C. Section 350 unless otherwise provided in the Order confirming this plan. Throughout the term of this plan, the Debtor will not incur post-petition debt over \$1,500.00 without written consent of the Chapter 13 Trustee or the Court.
5. During the pendency of this case, if unsecured creditors are paid, pursuant to paragraph 2(c) less than one hundred percent (100%), the Debtors shall provide the Trustee with signed copies of filed federal and state tax returns for each year no later than April 15th of the year following the tax period. Indicated tax returns are to be paid to the Trustee upon receipt; however no later than June 15th of the year in which the tax returns are filed. Debtor shall deliver annual tax refunds (if any) in excess of \$1500.00 to the trustee upon receiving such refund.

6. VARYING PROVISION: NONE

Dated: February 17, 2017



/s/ Nick Kohilas, Chapter 13 Debtor

/s/Linda Tirelli
Linda Tirelli, Esq.
Attorney for Debtor